

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3254
OFFERED BY MR. RIGGS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “IDEA Technical
3 Amendments Act of 1998”.

4 SEC. 2. REDUCTION OR WITHHOLDING OF PAYMENTS TO
5 STATES.

6 Section 616(c) of the Individuals with Disabilities
7 Education Act (20 U.S.C. 1416(c)) is amended—

8 (1) by striking “For purposes of this section”
9 and inserting “(1) Notwithstanding subsections (a)
10 and (b)”;

11 (2) by striking “the Secretary, in instances”
12 and all that follows and inserting the following: “the
13 Secretary, in instances where the Secretary finds
14 that the failure to comply substantially with the pro-
15 visions of this part are related to a failure by the
16 public agency during a fiscal year to provide special
17 education and related services to individuals who are
18 18 years of age or older, and the Secretary decides
19 to take corrective action to ensure compliance with

1 this part, may take only the following such correc-
2 tive action (and such corrective action may only be
3 taken with respect to payments for that fiscal year):

4 “(A) Reduce or withhold payments to the State
5 in an amount that is proportionate to the total funds
6 allotted under section 611 to the State as the num-
7 ber of such individuals who are 18 years of age or
8 older is proportionate to the number of eligible indi-
9 viduals with disabilities in the State under the su-
10 pervision of the State educational agency.

11 “(B) Ensure that any withholding of funds
12 under paragraph (1) shall be limited to the specific
13 agency responsible for the failure to comply with this
14 part.

15 “(2) Upon reduction or withholding of payments to
16 a State for a fiscal year under paragraph (1)—

17 “(A) with respect to children with disabilities
18 who are convicted as adults under State law and in-
19 carcerated in adult prisons, the State shall be
20 deemed to be in compliance with this part for that
21 fiscal year; and

22 “(B) no additional corrective action may be
23 taken against the State with respect to the failure
24 by the public agency described in paragraph (1).

1 “(3) For purposes of paragraph (1)(A), the number
2 of eligible children with disabilities in adult prisons under
3 the supervision of the other public agency and the number
4 of eligible individuals with disabilities in the State under
5 the supervision of the State educational agency shall be
6 determined by the Secretary on the basis of the most re-
7 cent satisfactory data available to the Secretary.”.